

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

**JERRY SEABAUGH, SR.,**

**Plaintiff,**

**V.**

**DELTA R-V SCHOOL DISTRICT,**

**Defendant.**

**Case No. 1:17-CV-00089-SNLJ**

**JOINT MOTION TO APPROVE SETTLEMENT**

COME NOW Plaintiff Jerry Seabaugh, Sr., and Defendant Delta R-V- School District (referred to collectively as the “Parties”), by their respective attorneys, move this Court for an Order approving the Settlement Agreement and Release of all Claims, which will be filed under seal contemporaneously herewith. In support of this Motion, the Parties show the Court as follows:

1. Plaintiff Jerry Seabaugh, Sr., filed this suit on or about May 24, 2017, alleging violations of the Fair Labor Standards Act, quantum meruit, and unjust enrichment. Plaintiff's claims were founded on their allegation that Defendant failed to properly pay him for all hours worked. Defendant denied, and still denies, any improper payment of wages.

2. On August 4, 2017, the Court granted Defendant's partial Motion to Dismiss. The Court dismissed Plaintiffs' claims for quantum meruit, and unjust enrichment. Plaintiff's FLSA claims remained. The Parties subsequently agreed to mediate such claims.

3. At the mediation, the Parties negotiated and reached a fair and equitable settlement. As stated above, a copy of the Agreement will be filed under seal contemporaneously herewith.

4. ““When employees bring a private action for back wages under the FLSA, and present to the district court a proposed settlement, the district court may enter a stipulated judgment after scrutinizing the settlement for fairness. Accordingly, as long as the Court is satisfied that a settlement reached in adversarial proceedings represents a fair and equitable compromise of a bona fide wage and hour dispute, the settlement may be approved, and stipulated judgment entered.”” *Hill v. World Wide Technology Holdings Co, Inc.*, No. 4:11CV02108, 2012 WL 5285927, at\*1 (E.D. Mo. Oct. 25, 2012) (Fleissig, J.) (quoting *Simmons v. Enter. Holdings, Inc.*, No. 4:10CV00625, 2012 WL 2885919, at \*1 (E.D. Mo. July 13, 2012)) (citing cases).

5. As such, the Court must find that (1) this litigation involves a bona fide dispute, (2) the Parties’ proposed settlement is fair and equitable to all parties concerned and (3) the proposed settlement contains an award of reasonable attorney fees. *Id.* (citing *Grove v. ZW Tech, Inc.*, No. 11-2445-KHV, 2012 WL 4867226, at \*2-3 (D. Kan. Oct. 15, 2012)).

6. The current FLSA litigation involves a bona fide dispute.

7. The settlement being submitted to the Court is not only fair and adequate but also promotes judicial economy. The Parties’ Confidential Settlement Agreement and General Release is in the best interest of the Parties and counsel, as it represents a fair and reasonable compromise of this lawsuit given the amount of damages claimed.

**WHEREFORE**, Plaintiff Jerry Seabaugh, Sr., and Defendant Delta R-V- School District respectfully request that the Court approve the Confidential Settlement Agreement and General Release, which will be filed under seal contemporaneously herewith.

Respectfully submitted,

**MICKES O'TOOLE, LLC**

By: /s/ Vincent D. Reese

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*Attorneys for Plaintiff*

SO ORDERED this \_\_\_\_\_ day of January, 2018.

\_\_\_\_\_  
Stephen N. Limbaugh, Jr.  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that on the 25<sup>th</sup> day of January, 2018, a copy of the foregoing Joint Motion to Approve Settlement was served via the court's electronic filing system, upon:

Thomas E. Kennedy, III  
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*Attorneys for Plaintiff*

/s/ Vincent D. Reese